



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MONROE HENDERSON FRANCIS  
MARSHAL & MUNGER LLP  
1500 I STREET, NW  
999 HENRICKSON DR 20004-3015

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
109/305,742	06/18/99	056	ELTON, C	1/5/01 01/12/01
First Named Applicant	AUDOBORGES, ET		35 USC 154(b) term exp. - 0 days.	

TITLE OF  
INVENTION: A COMPOSITION CONTAINING 1,8-HIS  
H(2,5-DIAMINOPHENOX(Y))-3,5-DIOXAOTANE, AN ADDITIONAL OXIDATION BASE  
AND A COUPLER, AND DYING PROCESSES

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1 05725.0429-01	009-412.000	AS9	UTILITY	NO	\$1240.00	04/12/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.**  
**PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## Notice of Allowability

Application No.  
09/335,742

Applicant(s)

*FF8*  
Audousset

Examiner

Caroline D. Liott

Group Art Unit

1751



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to the Response filed 10/31/00.

The allowed claim(s) is/are 1-56.

The drawings filed on \_\_\_\_\_ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

*Caroline D. Liott*  
*Caroline D. Liott*  
*Primary Examiner*

Art Unit: 1751

The following is an examiner's statement of reasons for allowance:

Applicant's Remarks filed 10/31/00 are deemed persuasive to overcome the previous 35 U.S.C. 103(a) rejections over Henkel, WO 92/13824, in view of Tsujino, U.S. Patent No. 4,961,925, and over Andrillon, U.S. Patent No. 4,065,255, in view of Henkel.

Henkel is relied upon for both rejections as teaching the claimed 1,8-bis(2,5-diaminophenoxy)-3,5-dioxaoctane oxidation base. Particularly, Henkel at first glance appears to form this compound in Example 1.1. However, as explained by Applicant, this Example contains an obvious typographical error. After reviewing the Example, one can see that Henkel actually produces 1,8-bis(2,5-diaminophenoxy)-3,6-dioxaoctane. This is apparent not only from the starting material used, but also from the patentee's broad teachings. Henkel teaches oxidation bases of formula (I), see Abstract. In order for these oxidation bases to include the claimed 1,8-bis(2,5-diaminophenoxy)-3,5-dioxaoctane, Henkel's "n" would have to have a value of 1; however, this does not fall within the patentee's definition of "n." In fact, in Example 1.1, Henkel teaches that the formed compound has the following values: n=2 and x=2. This is consistent with Applicant's arguments that the compound actually formed in Example 1.1 is 1,8-bis(2,5-diaminophenoxy)-3,6-dioxaoctane. Those skilled in the art would therefore recognize that Henkel's teachings as a whole do not encompass the claimed 1,8-bis(2,5-diaminophenoxy)-3,5-dioxaoctane. Furthermore, the patentee provides no motivation to select this oxidation base, let for use in combination with a second oxidation base and coupler as claimed.

Art Unit: 1751

Tsujino and Andrillon do not cure Henkel's deficiencies because these references also do not teach or suggest the use of the claimed 1,8-bis(2,5-diaminophenoxy)-3,5-dioxaoctane oxidation base. For all these reasons, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

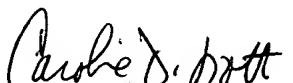
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caroline Liott whose telephone number is (703) 305-3703. The examiner can normally be reached on Mondays-Thursdays from 8:30am to 6:00pm, and on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached at (703)308-4708. All before final official faxes should be sent to (703) 305-7718. All after final official faxes should be sent to (703) 305-3599. All non-official faxes should be sent to (703) 305-6078.

Any inquiry of a general nature should be directed to the Group receptionist whose telephone number is (703) 308-0661.

C.D.L.

January 11, 2001

  
CAROLINE D. LIOTT  
PRIMARY EXAMINER